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PTO/SB/21 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031

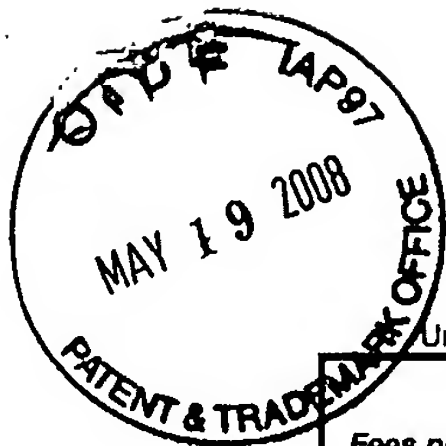
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/827,353 – Conf. #2617
	Filing Date	April 20, 2004
	First Named Inventor	Michael B. Zemel
	Art Unit	1616
	Examiner Name	K. George
Total Number of Pages in This Submission	Attorney Docket Number	31894-199297

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input checked="" type="checkbox"/> Status Inquiry  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> IDS (w/21 references)  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Reply to Missing Parts/Incomplete Application  <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s)  <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	VENABLE LLP		
Signature			
Printed name	Michael A. Gollin		
Date	May 19, 2008	Reg. No.	31,957



<b>Effective on 12/08/2004.</b> <b>Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</b> <b>FEE TRANSMITTAL</b> <b>For FY 2008</b>		<b>Complete if Known</b>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	10/827,353-Conf. #2617
TOTAL AMOUNT OF PAYMENT		Filing Date	April 20, 2004
(\$)		First Named Inventor	Michael B. Zemel
0.00		Examiner Name	K. George
		Art Unit	1616
		Attorney Docket No.	31894-199297

**METHOD OF PAYMENT** (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 22-0261 Deposit Account Name: Venable LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

**FEE CALCULATION**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	310	155	510	255	210	105	
Design	210	105	100	50	130	65	
Plant	210	105	310	155	160	80	
Reissue	310	155	510	255	620	310	
Provisional	210	105	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	210	105
Multiple dependent claims	370	185

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
_____ - 20 = _____	x _____	= _____	

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
_____ - 3 = _____	x _____	= _____	

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ - 100 = _____	/50 = _____	(round up to a whole number) x _____	= _____	

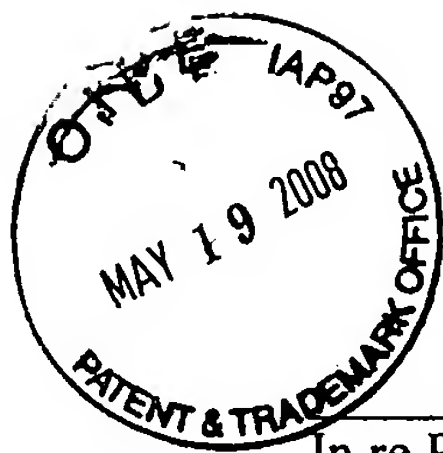
**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): \_\_\_\_\_

<b>SUBMITTED BY</b>			
Signature		Registration No. (Attorney/Agent)	31,957
Name (Print/Type)	Michael A. Gollin	Telephone	(202) 344-4000
		Date	May 19, 2008

956690



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Zemel et al.

Art Unit: 1616

Application No: 10/827,353

Examiner: K. George

Confirmation No: 2617

Filed: April 20, 2004

Atty. Docket No: 31894-199297

For: HIGH CALCIUM FOODSTUFFS FOR  
WEIGHT LOSS

Customer No:

26694

PATENT TRADEMARK OFFICE

**STATUS INQUIRY / REQUEST FOR NOTICE OF ALLOWANCE**

***Mail Stop Application***

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants submit this Status Inquiry / Request for Notice of Allowance in view of the recent approval of the previously-disapproved Terminal Disclaimer submitted by Applicants.

An Advisory Action was issued on April 15, 2008. The Advisory Action indicated that the prior rejections under § 112, first paragraph and § 103(a) had been overcome by Applicants' February 13, 2008 response, but the obviousness-type double patenting rejection was maintained because the Terminal Disclaimer allegedly failed to satisfy the requirements of 37 C.F.R. § 3.73(b). On April 22, 2008 the PTO issued an Approval of the Terminal Disclaimer.

In view of the approval of the Terminal Disclaimer, Applicants submit that all rejections set forth in the Final Office Action of September 18, 2007 have been overcome and that there are no remaining issues to be resolved. Accordingly, prosecution is closed, and a Notice of Allowance should be forthcoming. However, Applicants have not yet received any further communications from the PTO regarding this application. Accordingly, Applicants respectfully request that the PTO mail a Notice of Allowance, or in the alternative advise Applicants of the status of this application in the form of a written reply to this Status Inquiry. Your prompt attention to this

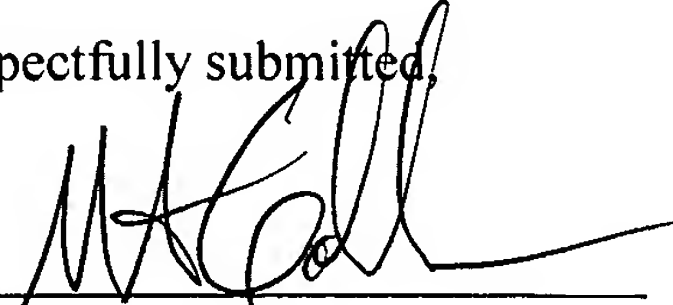
Applicant: Michael ZEMEL  
Appln. No. 10/827,353

matter is greatly appreciated.

It is believed that no fee is required for this Status Inquiry. If a fee is determined to be required, however, please charge the amount to this firm's Deposit Account No. 22-0261.

Dated: 5/19/2008

Respectfully submitted,

By 

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DC2/956676